

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Decision on Appeal of December 31, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 are currently pending in the Application. Claims 1, 11 and 12 are independent claims.

In the Decision on Appeal, Claims 1-5 and 9-14 are upheld rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,652,600 to Khormaei ("Khormaei") in view of allegedly Applicant's Admitted Prior Art (AAPA). Claims 6 and 7 are upheld rejected under 35 U.S.C. §103(a) over Khormaei in view of allegedly AAPA in further view of U.S. Patent No. 6,567,171 to Rushing ("Rushing"). Claim 8 is upheld rejected under 35 U.S.C. §103(a) over Khormaei in view of allegedly AAPA in further view of U.S. Patent No. 4,771,278 to Pooley ("Pooley"). It is respectfully submitted that the claims as amended herein are allowable over Khormaei in view of AAPA alone and in view of any of Rushing and Pooley for at least the following reasons.

The claims are amended herein to make clear that the time intervals, including the first and second time intervals in which the first and second non-zero emission levels are applied, are reordered in an order that reduces dead times between the time intervals. In accordance with the claims as amended, the first and second non-zero emission levels are applied to a light emitting element in a time sequence determined by the reordered time intervals.

Accordingly, it is respectfully submitted that the device of Claim 1 is not anticipated or made obvious by the teachings of Khormaei in view of AAPA. For example, Khormaei in view of AAPA does not teach, disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis provided) "generating means coupled to the data lines for generating, during time intervals of a frame period, at least a first non-zero emission level during a first one of the time intervals and a second non-zero emission level during a second one of the time intervals, for reordering the time intervals within the frame period including the first and second time intervals in an order that reduces dead times between the time intervals, and for applying the first and second non-zero emission levels to a light emitting element in a time sequence determined by the reordered time intervals" as required by Claim 1, and as similarly required by each of Claims 11 and 12. Each of Rushing and Pooley are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Khormaei in view of the AAPA.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 11 and 12 are patentable over Khormaei in view of AAPA alone and in view of any of Rushing and Pooley and notice to this effect is earnestly solicited. Claims 2-10 and 13-14 respectively depend from one of Claims 1 and 12 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

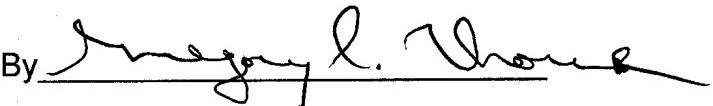
In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections

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and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:

Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643